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OFFICERS WHEELER AND LIGOURI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO)

TIMPHONY WALKER,

Plaintiff,

v.

COUNTY OF SANTA CLARA, et al.,

Defendants.

No. C04-00022 VRW (PR)

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE DEPOSITION DATES**

On August 15, 2006, this Court issued an order establishing a December 29, 2006 cutoff for deposing parties. The parties stipulated and the Court extended this deadline to February 23, 2007, because of the large volume of medical records involved in this case requiring review before Defendants could depose Plaintiff Timphony Walker.

Defendants are requesting a second extension to take Plaintiff's deposition because of an inability and need to schedule Plaintiff's deposition concurrently with his treating psychiatrist. (Affidavit of Aryn Paige Harris ¶ 4.) Defendants have been in contact with Plaintiff's psychiatrist about scheduling an available time before the February 23, 2006 deadline, but has learned that the dates he is available conflict with Plaintiff's counsel's schedule. (*Id.*) Plaintiff's counsel informed Defendants in advance about her unavailability. (*Id.*)

Good cause is present for the following reasons. Plaintiff has a significant mental history, the specifics of which are subject to a protective order. (Harris Affidavit ¶ 5.)

1 Nevertheless, Plaintiff is currently being housed in Patton State Hospital because the criminal
2 court has deemed that his medical condition renders him unfit to stand trial at this time. (*Id.*)
3 Defendants are prepared to take Plaintiff's deposition and has reviewed more than 3,000 records
4 in an effort to do so.

5 Nevertheless, Defendants want to take Plaintiff's current treating psychiatrist's
6 deposition at the same time as Plaintiff's deposition for two reasons. First, Defendants are not
7 knowledgeable about how Plaintiff's current medical condition (i.e. medication, diagnosis, etc.)
8 might impact Plaintiff's ability to testify at this deposition. (Harris Affidavit ¶ 5.) Defendants
9 have been informed that his current state makes it necessary to do the deposition in half days
10 over a two-day period, which is acceptable to Defendants. (*Id.*) Defendants would like to take
11 Plaintiff's psychiatrist's deposition on the same day as Plaintiff's deposition to be informed
12 about how, if at all, Plaintiff is impaired by medication or his ability to recall given his current
13 medical diagnosis. (*Id.*) Otherwise, Defendants could be prejudiced at a later date if Plaintiff
14 were able to disavow his testimony because of his medical condition.

15 Second, the parties have to travel to Patton California to take Plaintiff's deposition and
16 would like to avoid unnecessary expenses associated with traveling there twice to take Plaintiff
17 and his psychiatrist's deposition. (Harris Affidavit ¶ 5.) Further, the logistics of arranging for a
18 deposition (court reporter, clearance, etc.) at a mental institution create additional obstacles.
19 (*Id.*)

20 The parties have been diligently pursuing discovery in this case. Plaintiff has deposed
21 three witnesses and is scheduled to take Defendant Barnette's and Defendant Wheeler's
22 depositions on February 8th and 9th. (Harris Affidavit ¶ 5.) Plaintiffs have served and
23 Defendants have responded to three sets of additional discovery in this case. (*Id.*) Moreover,
24 Defendants have issues subpoenas and discovery requests and reviewed approximately 4,000
25 pages of medical records. Defendants have also taken the deposition of Plaintiff's witness
26 Michael Costa. (*Id.*) The trial is currently scheduled for October 9, 2007.

27 The parties accordingly stipulate to extend the deadline for deposing Plaintiff Timphony
28 Walker to March 30, 2007. This change will not impact the parties ability to meet court


1 imposed deadlines in this case and will not impact the trial date that is presently seven months
2 away.

3 **IT IS SO STIPULATED:**

4 Date: February 7, 2007

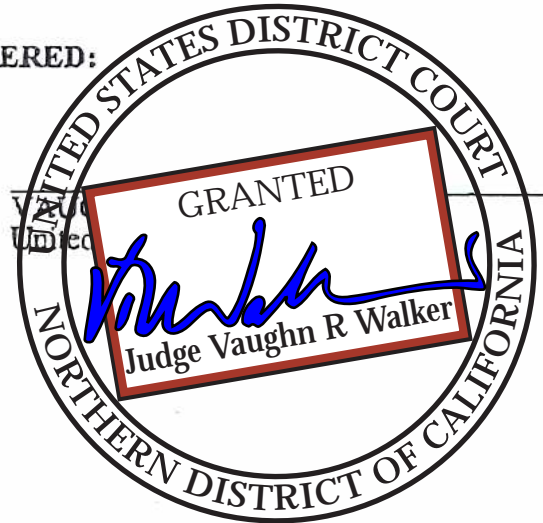

SABRINA FEVE
Attorney for Plaintiff

7 Date: February 7, 2007


ARYN PAIGE HARRIS
Lead Deputy County Counsel
Attorney for Defendants
Officers Wheeler and Ligouri

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

13 Dated: February 13, 2006



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